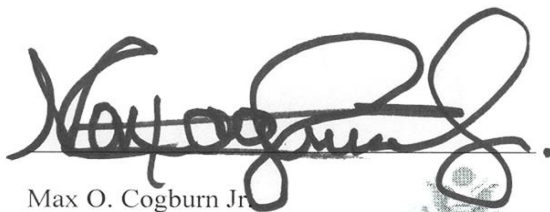


(Doc. No. 79 at 9). The Court notes, however, that, at the hearing on the suppression motion, Defendant Chavez testified specifically about his privacy settings and specific dates when he changed his privacy settings. The Court will allow the parties, therefore, to submit supplemental briefing addressing whether Defendant's privacy settings on his Facebook account affect the Court's Fourth Amendment analysis. See, e.g., United States v. Westley, No. 3:17-CR-171 (MPS), 2018 WL 3448161, at *6 (D. Conn. July 17, 2018) ("Because of the nature of a Facebook account, which allows users to post information privately, share information with select groups of "friends," or post information publicly, courts have held that whether the Fourth Amendment applies to a user's Facebook content "depends, inter alia, on the user's privacy settings.") (quoting United States v. Meregildo, 883 F. Supp. 2d 523 (S.D.N.Y. 2012)); United States v. Khan, No. 15-cr-00286, 2017 WL 2362572, at *8 (N.D. Ill. May 31, 2017) (holding that defendant could not claim a Fourth Amendment violation where he "did not maintain any privacy restrictions on his Facebook account, and his Facebook profile was viewable by any Facebook user").

The parties shall each have seven (7) days from entry of this Order in which to file supplemental briefing, in light of the testimony at the suppression hearing.

IT IS SO ORDERED.

Signed: August 29, 2019


Max O. Cogburn Jr.
United States District Judge